

CSD 1100 [12/01/15]

Name, Address, Telephone No. & I.D. No.

Scott R. Burton**574 S. Rancho Santa Fe Rd****San Marcos, CA 92078****760 727-4746****96898****UNITED STATES BANKRUPTCY COURT**

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

Todd E MacalusoBANKRUPTCY NO. **16-04214**

Debtor.

AMENDMENT

Presented are the original and one conformed copy of the following [Check one or more boxes as appropriate]:

- ☐ Voluntary Petition
☐ Attachment to Chapter 11 Voluntary Petition for Non-Individuals
☐ Exhibit C: Attachment to Voluntary Petition B 1
☐ Summary of Schedules (Includes Statistical Summary of Certain Liabilities)
☐ Summary of Your Assets and Liabilities and Certain Statistical Information
☒ Schedule of Real and/or Personal Property
☐ Schedule of Property Claimed Exempt for Individuals
☒ Creditors Holding Claims Secured by Property, Creditors Who Have Unsecured Priority and/or Non-priority Claims, and/or Matrix, and/or list of Creditors or Equity Holders - **REQUIRES COMPLIANCE WITH LOCAL RULE 1009**
 ☒ Adding or deleting creditors (electronic media), changing amounts owed or classification of debt - \$30.00 fee required. See instructions on reverse side.
 ☐ Correcting or deleting other information. See instructions on reverse side.
- ☐ Schedule of Executory Contracts & Expired Leases
☐ Schedule of Co-Debtor
☐ Income of Individual Debtor(s)
☐ Expenses of Individual Debtor(s)
☐ Expenses for Separate Household of Debtor 2
☒ Statement of Financial Affairs
☐ Chapter 7 Statement of Your Current Monthly Income
☐ Chapter 7 Statement of Exemption from Presumption of Abuse Under § 707(b)(2)
☐ Chapter 7 Means Test Calculation
☐ Chapter 11 Statement of Your Current Monthly Income
☐ Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period:
☐ Chapter 13 Calculation of Your Disposable Income
☐ Other:

Dated:

9/14/16

Signature



Attorney for Debtor

CSD 1100

REFER TO INSTRUCTIONS ON REVERSE SIDE

DECLARATION OF DEBTOR

I [We] Todd E Macaluso and _____, the undersigned debtor(s), hereby declare under penalty of perjury that the information set forth in the amendment attached hereto, consisting of _____ pages, and on the creditor matrix electronic media, if any, is true and correct to the best of my [our] information and belief.

Dated: 9/9/16_____
*Debtor_____
*Joint Debtor

*Pursuant to LBR 5005-4(C), the original debtor signature(s) in a scanned format is required.

INSTRUCTIONS

- A. Each amended page is to be in the same form as the original but is to contain **only the information to be changed or added**. Pages from the original document which are not affected by the change are not to be attached.
1. Before each entry, specify the purpose of the amendment by inserting:
 - a. "ADDED," if the information was missing from the previous document filed; or
 - b. "CORRECTED," if the information modifies previously listed information; or
 - c. "DELETED," if previously listed information is to be removed.
 2. At the bottom of each page, insert the word "AMENDED."
 3. Attach all pages to the cover page and, *if a Chapter 7, 11, or 12 case*, serve a copy on the United States Trustee, trustee (if any) and/or the members of a creditors' committee. *If a Chapter 13 case*, serve a copy on the trustee; DO NOT serve a copy on the United States Trustee.
- B. Comply with Local Bankruptcy Rule 1009 when adding or correcting the names and/or addresses of creditors (electronic media required when Amendment submitted on paper) or if altering the status or amount of a claim.

Amendments that fail to follow these instructions may be refused.

****Amendments filed after the case is closed are not entitled to a refund of fees****

PROOF OF SERVICE

I, whose address appears below, certify:

That I am, and at all relevant times was, more than 18 years of age;

I served a true copy of this **Amendment** on the following persons listed below via the following method(s):

1. **To Be Served by the Court via Notice of Electronic Filing ("NEF"):**

Under controlling Local Bankruptcy Rules(s) ("LBR"), the document(s) listed above will be served by the court via NEF and hyperlink to the document. On 9/14/16, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address(es) indicated and/or as checked below:

☒ Chpt. 7 Trustee: C.R. Barclay P.O.Box 2819 La Mesa, CA 91942

☒ For Chpt. 7, 11, & 12 cases:

UNITED STATES TRUSTEE
ustp.region15@usdoj.gov

☐ For ODD numbered Chpt. 13 cases

THOMAS H. BILLINGSLEA, JR., TRUSTEE
Billingslea@thb.coxatwork.com

☐ For EVEN numbered Chapter 13 cases

DAVID L. SKELTON, TRUSTEE
admin@ch13.sdcoxmail.com
dskelton13@ecf.epiqsystems.com

2. **Served by United States Mail or Overnight Mail:**

On 9/14/16, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail via 1) first class, postage prepaid, 2) certified mail with receipt number or 3) overnight mail service, addressed as follows:

Priority Mailing: 12270 World Trade Drive San Diego, CA 92128
SCS Engineers: 12520 High Bluff Drive #200 San Diego, CA 92130

CSD 1100

CSD 1100 (Page 2) [12/01/15]

3. **Served by Personal Delivery, Facsimile Transmission or Electronic Mail:**

Under Fed.R.Civ.P.5 and controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or electronic mail as follows:

I declare under penalty of perjury under the laws of the United States of America that the statements made in this proof of service are true and correct.

Executed on _____

(Date)



Scott R. Burton

SCOTT R. BURTON SB# 96898

574 S. Rancho Santa Fe Rd

San Marcos, CA 92078

Address

CSD 1100

Debtor 1 **Todd E Macaluso**Case number (if known) **16-04214**☒ Yes. Give specific information about them.....

Name of entity:

% of ownership:

Macaluso children's trust**100****%****\$0.00****Mt Hood Aviation LLC****100****%****\$0.00****Novacalo Inc****100****%****\$0.00****Bella Aviation INC****100****%****\$0.00****Fifth Paw Aviation****100****%****\$0.00****20. Government and corporate bonds and other negotiable and non-negotiable instruments***Negotiable instruments* include personal checks, cashiers' checks, promissory notes, and money orders.*Non-negotiable instruments* are those you cannot transfer to someone by signing or delivering them.☒ No☐ Yes. Give specific information about them

Issuer name:

21. Retirement or pension accounts*Examples:* Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans☒ No☐ Yes. List each account separately.

Type of account:

Institution name:

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company

Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others☒ No☐ Yes.

Institution name or individual:

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)☒ No☐ Yes.

Issuer name and description.

24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

☒ No☐ Yes.

Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit☒ No☐ Yes. Give specific information about them...**26. Patents, copyrights, trademarks, trade secrets, and other intellectual property***Examples:* Internet domain names, websites, proceeds from royalties and licensing agreements☒ No☐ Yes. Give specific information about them...**27. Licenses, franchises, and other general intangibles***Examples:* Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses☒ No☐ Yes. Give specific information about them...**Money or property owed to you?****Current value of the
portion you own?
Do not deduct secured
claims or exemptions.**

Debtor 1 **Todd E Macaluso**

Case number (if know)

16-042144.1
1**Priority Moving**Nonpriority Creditor's Name
**12270 World Trade Drive
San Diego, CA 92128**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
☐ Yes

Last 4 digits of account number **0043****\$6,993.00**When was the debt incurred? **Sept 2015-July 2016**

As of the date you file, the claim is: Check all that apply

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **storage rental***Added*4.1
2**RJC Funding**Nonpriority Creditor's Name
**c/o Kira Schlesinger
3936 E. Desert Cove first floor
Phoenix, AZ 85028**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
☐ Yes

Last 4 digits of account number **2659****\$1,900,000.00**When was the debt incurred? **2012**

As of the date you file, the claim is: Check all that apply

- ☐ Contingent
☐ Unliquidated
☒ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **litigation loan**4.1
3**SCS Engineers**Nonpriority Creditor's Name
**c/o Mathew Ledle
12520 High Bluff Drive #200
San Diego, CA 92130**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
☐ Yes

Last 4 digits of account number

\$45,606.60When was the debt incurred? **2012**

As of the date you file, the claim is: Check all that apply

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **expert witness fee***Added**Amended*

Debtor 1 **Todd E Macaluso**Case number (if known) **16-04214****Part 7: List Certain Payments or Transfers**

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?
Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

- ☐ No
☒ Yes. Fill in the details.

Person Who Was Paid Address Email or website address Person Who Made the Payment, if Not You	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Scott R Burton 574 S. Rancho Santa Fe Rd. San Marcos, CA 92078		July 2016	\$1,695.00

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?
Do not include any payment or transfer that you listed on line 16.

- ☒ No
☐ Yes. Fill in the details.

Person Who Was Paid Address	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
--------------------------------	---	-----------------------------------	-------------------

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?
Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property). Do not include gifts and transfers that you have already listed on this statement.

- ☐ No
☒ Yes. Fill in the details.

Person Who Received Transfer Address Person's relationship to you	Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
Carlos Kelley	2012 S 65 Mercedes and lent him \$20,000	0	September 2015
Ballast Point Yachts 1239 Scott street San Diego, CA 92106 none	26 foot fishing boat ...,	after paying maintainance and storage of \$30,000 there was a payment of \$14,000	May ,2016
Ted Macaluso 2176 Kircaldy Rd Fallbrook, CA 92028 father	single family residence 2176 Kircaldy Rd Fallbrook...value est \$600,000 loan on it as well as Lis Pendens as well as tax liens over 1,000,000	0	March 2014
Carlos Kelley none	H&K 40 calibur hand gun	nothing received transfer required by sentencing Judge	May 2015 <i>Amended</i>

Amended

Debtor 1 **Todd E Macaluso**Case number (if known) **16-04214**

Person Who Received Transfer Address	Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
Person's relationship to you Ted Macaluso father	Barreta 9MM handgun and colt 38 hand gun	no money received transfer was for sentencing	May 2015 <i>added</i>

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called *asset-protection devices*.)

- ☒ No
☐ Yes. Fill in the details.

Name of trust	Description and value of the property transferred	Date Transfer was made
---------------	---	---------------------------

Part 8: List of Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?
 Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

- ☐ No
☒ Yes. Fill in the details.

Name of Financial Institution and Address (Number, Street, City, State and ZIP Code)	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
Bank of Amercia	XXXX-	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money Market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	closed by Bank of America in May 2016	\$0.00

21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- ☒ No
☐ Yes. Fill in the details.

Name of Financial Institution Address (Number, Street, City, State and ZIP Code)	Who else had access to it? Address (Number, Street, City, State and ZIP Code)	Describe the contents	Do you still have it?
---	---	-----------------------	--------------------------

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- ☐ No
☒ Yes. Fill in the details.

Name of Storage Facility Address (Number, Street, City, State and ZIP Code)	Who else has or had access to it? Address (Number, Street, City, State and ZIP Code)	Describe the contents	Do you still have it?
Priority Movers	Priority MOvers	piano, furniture, indoor outdoor and other household items	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes

Amended